

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**Julio De La Cruz, on behalf of himself and
others similarly situated,**

Plaintiffs,

-against-

856 River Ave. Rest. Corp. et al.,

Defendants.

1:22-cv-05080 (PGG) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

Having been advised that agreement was reached on all issues in this action (See ECF No. 18), the Court will review the settlement agreement pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). It is hereby ORDERED that the parties provide a copy of the settlement agreement to the Court together with a letter explaining why the settlement, including any provision for attorney's fees and costs, is fair, reasonable and adequate under *Cheeks*. Any such letter or motion shall be filed no later than Thursday, January 12, 2023, and should address the claims and defenses, the defendants' potential monetary exposure and the bases for any such calculations, the strengths and weaknesses of the plaintiffs' case and the defendants' defenses, any other factors that justify the discrepancy between the potential value of plaintiffs' claims and the settlement amount, the litigation and negotiation process, as well as any other issues that might be pertinent to the question of whether the settlement is reasonable (for example, the collectability of any judgment if the case went to trial).

The joint letter or motion should also explain the attorney fee arrangement, attach a copy of the retainer agreement, and provide information as to actual attorney's hours expended and

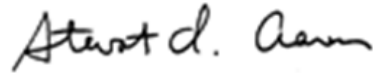
the relevant experience of the attorney(s). Finally, a copy of the settlement agreement itself must accompany the joint letter or motion.

The parties may consent to Judge Aaron's jurisdiction for purposes of the *Cheeks* review by filing a consent form, which can be found at the following link:

https://www.nysd.uscourts.gov/sites/default/files/practice_documents/sdaConsentToProceedBeforeUSMagistrateJudge.pdf.

SO ORDERED.

Dated: New York, New York
December 22, 2022

A handwritten signature in cursive script that reads "Stewart D. Aaron".

STEWART D. AARON
United States Magistrate Judge